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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,266	10/07/2003	David Finkelstein	LASRA P-1	6368
28752	7590	11/14/2005	EXAMINER	
LACKENBACH SIEGEL, LLP LACKENBACH SIEGEL BUILDING 1 CHASE ROAD SCARSDALE, NY 10583			CHERRY, EUNCHA P	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

Office Action Summary

Application No.

10/680,266

Applicant(s)

FINKELSTEIN, DAVID

Examiner

EUNCHA P. CHERRY

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 9-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 9-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. The restriction requirement mailed on August 10, 2005 is withdrawn due to the argument in the reply filed on August 31, 2005 and amendment to the claims.

Claim Objections

2. Claim 3 is objected to because of the following informalities: the term "preferred" renders the claim unclear whether it is a part of claim or not. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 3-7, 9-15, 17 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Latterman et al (US 4,010,361).

Latterman et al discloses a display system for generating a visible pattern on a display surface (column 3, lines 10-12)

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responsive to an audio frequency input signal (abstract, lines 3-4), comprising: means for generating a laser beam to provide emitting) a visible beam of light along a predetermined beam axis (column 2, lines 50-56, laser light); reflecting means interposed along the beam axis for reflecting the light beam to form a reflected beam directed generally toward the display surface (Figs. 2 and 3, 84); moving means including a pair of coils (70, 76) and a magnetizable means associated with each said coil responsive to audio frequency input signals for movement of the reflecting means to generate a pattern on the display surface (column 3, lines 45-53), and mounting means for supporting said reflecting means proximate to said pair of coils for movement of the reflecting means relative to said moving means (50, 56 and column 4, lines 45-55), wherein the predetermined beam axis has an angle of variation of the visible beam of light is greater than zero degrees and less than ninety degrees (inherent by one embodiment shown Fig. 5), wherein one preferred audio frequency is in the specified range (column 3, lines 35-38) and wherein the coils are positioned on the same side as the mirror or are positioned on the reverse-side of the mirror (see Fig. 5 and Fig. 3). The display system further includes means acoustically coupling said moving means to the output of an audio frequency source or connection means

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associated with said coils for connection to the audio input signal to transmit the audio input signal to said coils (by 40 and column 3, line 45 through column 4, line 58). Also, a laser beam projection apparatus comprising means for generating a laser beam (12) for impingement onto a reflecting surface of a mirror (84), means responsive to a magnetic field associated with a pair of coils proximate to said mirror for movement of the mirror to change the direction of beams reflected from the mirror (column 4, lines 20-32), at least one movable mirror movable in response to the magnetic field (column 4, lines 43-58), also means for coupling said coils and said mirror for imparting angular movement to the mirror for movement of the mirror in two dimensions normal to an axis, thereby directing the reflected beam to traverse a course defining the visual display pattern responsive to the audio signal (as shown in Fig. 5). The method of generating a visual display surface responsive to an audio frequency signal is inherently met by the disclosure of the prior art.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Latterman et al in view of Effinger (US Patent 4,887,197).

Latterman et al discloses the claimed invention as set forth above except for the pattern generated on the display surface is substantially circular or elliptical path. Effinger discloses the pattern generated on the display surface which is substantially circular or elliptical path (see Figs. 4, 5 and 6). It would have been obvious to one of ordinary skill in the art to create novel light patterns utilizing audio input signal which are uniquely associated with the input signal and also utilizing the deflecting means for the purpose of better controlling of the light patterns.

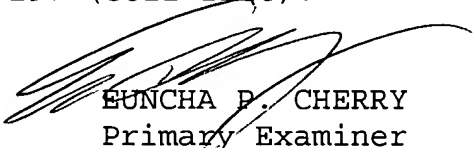
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EUNCHA P. CHERRY whose telephone number is 571-272-2310. The examiner can normally be reached on M-F 6:30-4:00, alternate Fridays off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DREW DUNN can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



EUNCHA P. CHERRY
Primary Examiner
Art Unit 2872

11/9/05